



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------------|---------------------|------------------|
| 10/727,067 | 12/03/2003 | Sathya Prasad Mangalaramanan | 60,680-652 | 4898 |

7590 10/25/2006

DYKEMA GOSSETT PLLC
Suite 300
39577 Woodward Avenue
Bloomfield Hills, MI 48304

EXAMINER

SPISICH, GEORGE D

ART UNIT PAPER NUMBER

3616

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/727,067 | Applicant(s) MANGALARAMANAN ET AL. | |
| | Examiner George D. Spisich | Art Unit 3616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 13-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12 is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross et al. (USPUB 2001/0013693).

Ross et al. discloses a vehicle having first (11) and second (11') longitudinal rails extending substantially parallel to a longitudinal axis. First and second brackets (52) are coupled to the first and second frame rails respectively and a cable (106) is coupled (via a mechanical connection) at a first end to the first bracket and at a second end to the second bracket. The positions of the first end and the second end are fixed relative to the first and second frame rails. The term "fixed" and "positions...fixed" does not exclude a connection that is spring biased.

The cable is coupled "tautly" between the first and second brackets and the cable is generally transverse to the longitudinal axis.

With respect to the function of the cable device as a "torsion attenuator", the arrangement of Ross et al. is structurally the same as Applicant's claimed invention. The arrangement of Ross et al. would perform the same function as Applicant's invention to at least some degree and therefore would be called a "torsion attenuator".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Ressler (USPN 5,137,413) in view of Ross et al. (USPUB 2001/0013693).

Ressler discloses a vehicle having first and second longitudinal rails (14) extending substantially parallel to a longitudinal axis. A cable (62) is coupled tautly to the rails and extends generally transverse to the longitudinal axis. The cable is connected to a vertically extending "bracket" on the left rail (which also includes a winch) although it is not shown that the cable is attached to the right rail with a bracket, it is attached to the rail in the same orientation as on the left rail.

Ross et al. discloses a connection of a tension cable with positions of the first and second ends fixed relative to the first and second frame rails of a vehicle with a bracket (52). This is a basic and well known element to connect two members. Again, the term "fixed" or "positions.....fixed" does not exclude a connection that is spring biased.

It would have been obvious to connect the right cable to the right rail of Ressler by means of a bracket as taught by Ross et al. as it would provide a basic and sturdy connection of the cable to the side rail. The arrangement of the bracket of Ross et al. to

remain consistent with the orientation of the cable and rail already shown in Ressler would be to provide the bracket such that it extends in a direction substantially vertical to the longitudinal axis.

With respect to the function of the cable device as a "torsion attenuator", the arrangement of Ressler in view of Ross et al. is structurally the same as Applicant's claimed invention. The arrangement of Ressler in view of Ross et al. would perform the same function as Applicant's invention to at least some degree and therefore would be called a "torsion attenuator".

Allowable Subject Matter

Claims 7-12 are allowed.

Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed August 20, 2006 have been fully considered but they are not persuasive.

With respect to Applicant's argument that Ross et al. does not disclose a cable whose ends are fixed relative to the first and second frame rails, and that the cable is fixed to spring retracted pins that extend into openings in the rails, Examiner disagrees and maintains the rejection. The phrase "position.....fixed.....relative" is sufficiently

Art Unit: 3616

broad so as to include the connection of Ross et al. The term "fixed" does not include movably fixed. Also, the term "relative" includes any position in relation to the vehicle frame rails.

With respect to Applicant's argument that Ressler in view of Ross et al. is not structurally the same as Applicant's claimed invention, Examiner disagrees and maintains the rejection. Examiner maintains that the reference are properly combined and meet the claimed structural limitation of Applicant's invention. With respect to the term "torsion attenuator", Examiner maintains that this is merely a title that the applied references would also perform to some degree. Essentially, a taught cable between vehicle side rails (as disclosed in the applied references) is accurately termed a "torsion attenuator".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3616

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich
October 17, 2006


FAYE M. FLEMING
PRIMARY EXAMINER 10/23/06